

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. Reconsideration of the subject patent application in view of the present remarks is respectfully requested.

Claims 3 and 13 are amended.

Claims 1-2, 4-12 and 14 are cancelled.

Claims 3 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 14 has been cancelled and claim has been amended to comply with 35 U.S.C. 112, second paragraph. Thus, the rejection as it applies to claims 3 and 14 should be withdrawn.

Claims 3 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 3311634. Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Claim 14 has been cancelled. Thus, the rejection as it applies to claim 14 should be withdrawn.

Regarding the amended claim 3, DE 3311634 does not disclose that a locking member feed hole and a locked member feed hole are positioned so that the locking member feed hole and the locked member feed hole are overlapped in a state of engaging the locking member

attachment to the locked member attachment and the overlapped hole and contiguous feed holes are arranged at the constant pitch. The Office action states that another feed hole (hole intersected by 7 in Figure 2) is provided on the locking member attachment and the locked member attachment. However, only a single hole which is intersected by 7 is provided on the belt ends 9 and 10 in DE 3311634. Since only a single hole is provided on the belt ends 9 and 10 in DE 3311634, it is impossible to overlap the hole. Thus, DE 3311634 fails to disclose that the locking member feed hole and the locked member feed hole are overlapped and the overlapped hole and contiguous feed holes are arranged at the constant pitch. Therefore, since every limitation of claim 3 is not taught by the reference, claim 3 is not fully anticipated by DE 3311634. Thus, withdrawal of the rejection as it applies to claim 3 is respectfully requested.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamano (EP 07165260; it should be "JP 07165260") in view of Busler (US 3,431,548). Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Regarding the amended claim 13, neither Hamano nor Busler, alone or in combination, discloses, teaches or renders foreseeable a locking member feed hole and a locked member feed hole provided on the locking member attachment and the locked member attachment, respectively, and positioned so that the locking member feed hole and the locked member feed hole are overlapped in a state of engaging the locking member attachment to the locked member attachment and the overlapped hole and contiguous feed holes are arranged at the constant pitch. The Office action states that Hamano discloses a plurality of feed holes (6) formed at a constant pitch for feeding the taper member, with the feed holes extending the entire length of the tape member. However, none of the feed holes (6) disclosed in Hamano are positioned so that they

are overlapped and the overlapped hole and contiguous feed holes are arranged at the constant pitch. The Office action states that Busler discloses a locking member (43) and a locked member (44). However, there is no disclosure in Busler that a locking member feed hole and a locked member feed hole are provided on the locking member (43) and the locked member (44), respectively, and positioned so that they are overlapped and the overlapped hole and contiguous feed holes are arranged at the constant pitch. Accordingly, the combination of Hamano and Busler does not meet all of the limitations of claim 13. Therefore, the asserted combination of Hamano and Busler does not render claim 13 obvious. Thus, withdrawal of the rejection as it applies to claim 13 is respectfully requested.

Claim 13 is further rejected on the grounds of *res judicata*, as the same claim as been held unpatentable by a decision of the BPAI rendered June 24, 2009. Claim 13 has been amended to make it different from the one held unpatentable by a decision of the BPAI. Thus, the rejection as it applies to claim 13 should be withdrawn.


In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 10/705,344
Amdt. Dated: December 9, 2009
Reply to Office action of September 10, 2009

If there are any fees resulting from this communication, please charge same to our
Deposit Account No. 16-0820, our Order No.: NGB-36261.

Respectfully submitted,

PEARNE & GORDON LLP

By: 
Nobuhiko Sukenaga, Reg. No. 39446

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: December 9, 2009